

40853-01-5147 US
JIM-65 (KAD)



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/586,166	07/23/2008	1623	515	40853-01-5147-US	23	2

CONFIRMATION NO. 5632

CORRECTED FILING RECEIPT



43850
MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

Date Mailed: 10/31/2008

[Signature]
DOCKETED

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Shawn DeFrees, North Wales, PA;
Caryn Bowe, Doylestown, PA;

Assignment For Published Patent Application

NEOSE TECHNOLOGIES, INC., Horsham, PA

Power of Attorney: The patent practitioners associated with Customer Number 43850

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US2005/002522 01/26/2005
which claims benefit of 60/539,387 01/26/2004
and claims benefit of 60/544,411 02/12/2004
and claims benefit of 60/546,631 02/20/2004
and claims benefit of 60/555,504 03/22/2004
and claims benefit of 60/570,891 05/12/2004
and claims benefit of 60/590,573 07/23/2004
and claims benefit of 60/592,744 07/29/2004
and claims benefit of 60/611,790 09/20/2004
and claims benefit of 60/614,518 09/29/2004
~~and claims benefit of 60/614,518 09/29/2004~~
and claims benefit of 60/623,387 10/29/2004
and claims benefit of 60/626,678 11/09/2004
and claims benefit of 60/641,956 01/06/2005
and claims benefit of 60/643,437 01/10/2005
and is a CON of 10/997,405 11/24/2004 PAT 7,405,198
which claims benefit of 60/524,989 11/24/2003
and claims benefit of 60/539,387 01/26/2004

← --60/590,649 07/23/2004

and claims benefit of 60/555,504 03/22/2004
and claims benefit of 60/590,573 07/23/2004
and claims benefit of 60/592,744 07/29/2004
and claims benefit of 60/614,518 09/29/2004
and claims benefit of 60/623,387 10/29/2004
and is a CON of PCT/US04/03971 02/10/2004
~~which is a CON of 10/366,500 02/14/2003~~

PCT/US04/039712

Foreign Applications

If Required, Foreign Filing License Granted: 09/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/586,166**

Projected Publication Date: 12/18/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Branched Polymeric Sugars and Nucleotides Thereof

Preliminary Class

536

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign

patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

BRANCHED POLYMERIC SUGARS AND NUCLEOTIDES THEREOF

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] The present application is a U.S. national phase application of PCT/US2005/02522 filed January 26, 2005 and claims priority to U.S. Provisional Patent Application No. 60/539,387, filed January 26, 2004; U.S. Provisional Patent Application No. 60/555,504, filed March 22, 2004; U.S. Provisional Patent Application No. 60/590,573, filed July 23, 2004; U.S. Patent Application No. 10/997,405, filed November 24, 2004; PCT Patent Application No. PCT/US04/39712, filed November 24, 2004; U.S. Provisional Patent Application No. 60/544,411, filed February 12, 2004; U.S. Provisional Patent Application No. 60/546,631, filed February 20, 2004; U.S. Provisional Patent Application No. 60/570,891 filed May 12, 2004; U.S. Patent Application No. 11/033,365, filed January 10, 2005; PCT Patent Application No. PCT/US2005/00799, filed January 10, 2005; PCT Application No. PCT/US2004/40709, filed December 3, 2004; U.S. Provisional Patent Application No. 60/590,649, filed July 23, 2004; U.S. Provisional Patent Application No. 60/611,790, filed September 20, 2004; U.S. Provisional Patent Application No. 60/592,744, filed July 29, 2004; U.S. Provisional Patent Application No. 60/614,518, filed September 29, 2004; U.S. Provisional Patent Application No. 60/623,387, filed October 29, 2004; U.S. Provisional Patent Application No. 60/626,678, filed November 9, 2004; U.S. Provisional Patent Application No. 60/641,956, filed January 6, 2005; and U.S. Provisional Patent Application No. 60/643,347, filed January 10, 2005, the disclosures of which are incorporated herein by reference in their entirety for all purposes.

BACKGROUND OF THE INVENTION

Field of the Invention

[0002] The present invention resides in the field of modified sugars and nucleotides thereof.

Background

[0003] Post-expression *in vitro* modification of peptides is an attractive strategy to remedy the deficiencies of methods that rely on controlling glycosylation by engineering expression systems; including both modification of glycan structures or introduction of glycans at novel

AP20 Rec'd PCT/PTO 14 JUL 2006

Application Data Sheet**Application Information**

Application number::

Filing Date::

July 14, 2006

Application Type::

Regular

Subject Matter::

Utility

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R??::

Number of CD disks::

Number of copies of CDs::

Sequence Submission::

Computer Readable Form (CRF)?::

Number of copies of CRF::

Title::

BRANCHED POLYMERIC SUGARS AND
NUCLEOTIDES THEREOF

Attorney Docket Number::

40853-01-5147-US

Request for Early Publication::

No

Request for Non-Publication::

No

Suggested Drawing Figure::

Total Drawing Sheets::

18

Small Entity?::

No

Latin name::

Variety denomination name::

Petition included?::

Petition Type::

Licensed US Govt. Agency::

Contract or Grant Numbers One::

Secrecy Order in Parent Appl.::

No

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
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State or Province of mailing address:: PA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 19454

Applicant Authority Type:: Inventor
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City of Mailing Address:: Doylestown
State or Province of mailing address:: PA
Country of mailing address:: US

Postal or Zip Code of mailing address:: 18901

Correspondence Information

Correspondence Customer Number:: 043850

Representative Information

Representative Customer Number:: 043850

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This application	National Phase of	PCT/US2005/02522	01/26/05
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/539,387	01/26/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/544,411	02/12/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/546,631	02/20/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/555,504	03/22/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/570,891	05/12/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/590,573	07/23/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/590,649	07/23/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/592,744	07/29/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/611,790	09/20/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/614,518	09/29/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/623,387	10/29/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/626,678	11/09/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	10/997,405	11/24/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	PCT/US2004/39712	11/24/04 ←
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	PCT/US2004/40709	12/03/04
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/641,956	01/06/05
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	11/033,365	01/10/05

PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	PCT/US2005/00799	01/10/05
PCT/US2005/02522	<i>An application claiming the benefit under 35 USC 119(e)</i>	60/643,347	01/10/05

Foreign Priority Information

Country::	Application number::	Filing Date::
WO	PCT/US2005/02522	01/26/05

Assignee Information

Assignee Name::

Street of mailing address::

City of mailing address::

State or Province of mailing address::

Country of mailing address::

Postal or Zip Code of mailing address::



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JUL 25 2008
40853-01-5147 (KAD)

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MORGAN, LEWIS & BOCKIUS LLP (SF)
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SAN FRANCISCO, CA 94105

filed
DOCKETED

In re Application of: DEFREES ET AL.	:	DECISION
U.S. Application No.: 10/586,166	:	
PCT Application No.: PCT/US2005/002522	:	ON
Int. Filing Date: 26 January 2005	:	
Priority Date: 26 January 2004	:	PETITION
Atty Docket No.: 40853-01-5147-US	:	
For: BRANCHED POLYMERIC SUGARS AND	:	
NUCLEOTIDES THEREOF	:	UNDER
	:	
	:	37 CFR 1.181

This is in response to the submission under 37 CFR 1.181 filed on 24 July 2008. .

BACKGROUND

On 26 January 2005, applicant filed international application number PCT/US2005/002522, which claimed priority to an earlier United States application filed 26 January 2004. The thirty month national stage deadline expired on 25 July 2006.

On 14 July 2006, applicant filed national stage papers in the United States Designated Office (DO/EO/US). The submission included, inter alia, the requisite basic national fee.

On 24 July 2008, applicant filed the present petition under 37 CFR 1.181.

Applicant has requested correction of a typographical error "60/643,347" filed on 10 January 2005 to --60,643,437--. This appears to be a data entry error and will be corrected and a filing receipt will be issued reflecting the correction.

Applicant also requested correction under 37 CFR 1.78(a)(2)(i) of the relationship between the present application and priority international applications PCT/US04/39712, PCT/US05/00799, and PCT/US04/40709, to reflect that the present application is a continuation-in-part of the '712, '799, and '709 applications.

DISCUSSION

Regarding the '712, '799, and '709 international applications, 37 CFR 1.78 (a)(2) states in relevant part:

(i) Except for a continued prosecution application filed under 37 CFR 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see 37 CFR 1.14).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111 (a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371 (b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121 or 365(c) to such prior-filed application.

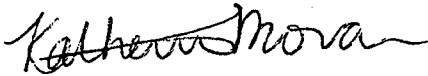
Applicant has not met the requirements in that the request was submitted later than four months from the date on which the national stage commenced or sixteen months from the filing date of the prior-filed application.

It is further noted that the '712 application is not listed as a priority document in the international application publication. Rather, the international application lists PCT/US04/03971.

An appropriate petition under 37 CFR 1.78(a)(3) along with the requisite \$1410.00 petition fee would be required to make the requested corrections.

CONCLUSION

Applicant's petition is GRANTED in part as outlined above. The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Attachment: Corrected filing receipt